

### **REMARKS**

In response to the Office Action mailed October 24, 2011, reconsideration is respectfully requested. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The claims as presented are believed to be in condition for allowance.

Claims 1-15 were previously pending in this application. No claims have been added, amended or canceled herein. As a result, claims 1-15 are pending for examination, with claims 1, 6 and 7 being independent. No new matter has been added.

#### **Claim Rejections Under 35 U.S.C. §103**

Each of independent claims 1, 6 and 7 is rejected under 35 U.S.C. §103(a) as purportedly being obvious over Aoyanagi. The rejection of each of independent claims 1, 6 and 7 is respectfully traversed.

##### **A. Rejection Of Independent Claim 1**

Claim 1 recites an information providing apparatus comprising: image display means mounted on a mobile object, presenting an image display of information which assists travel of the mobile object; vibration detecting means for detecting vibration produced on said image display means, determining whether the detected vibration is not smaller than a static, predetermined level defined prior to said vibration being detected, and sending a detection output signal when said vibration is determined to be not smaller than said predetermined level, said predetermined level being greater than an absence of vibration; and operation control means for: modifying a display mode of said information presented in the image display by said image display means from a first display mode to a second display mode, when receipt of said detection output signal over a predetermined duration of positive length indicates that the vibration of not smaller than said predetermined level produced on said image display means sustains over the predetermined duration; and modifying the display mode of said information presented in the image display by said

image display means from the second display mode to the first display mode when an absence of output of said detection output signal is detected over a predetermined duration of positive length.

In a previous response (i.e., filed June 29, 2011), it was pointed out that Aoyanagi does not disclose or suggest an information-providing apparatus comprising, *inter alia*, vibration detecting means for detecting vibration of not more than a static, predetermined level that is defined prior to a vibration being detected, as claim 1 recites. The present Office Action concedes that this is the case on p. 4. However, the present Office Action contends that it would have been obvious to modify the Aoyanagi system to employ a static, predetermined level of vibration that is defined prior to a vibration being detected. The Office Action asserts that such a modification would allow the resulting system to be made more cheaply, and would reduce processing performed to determine whether a detected vibration exceeds a predetermined level (Office Action, p. 4).

In the response filed October 17, 2011, the above contentions were respectfully traversed because the proposed modification to Aoyanagi would render the disclosed system unsatisfactory for its intended purpose. In this respect, MPEP §2143.01 explicitly states that “if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” MPEP §2143.01(V). As a result, no *prima facie* case of obviousness is set forth.

In responding to the above argument, the Office Action mailed October 24, 2011 states that the argument is not persuasive. The Office Action states: “[t]he obvious statement is a substitution means by a known method and is upheld.” (Page 13). However, regardless of the type of rationale used in setting forth the obviousness rejection, MPEP 2143.01 explicitly states that a proposed modification is improper when the proposed modification would render the prior art unsatisfactory for its intended purpose. Since the proposed modification to Aoyanagi would render the disclosed system unsatisfactory for its intended purpose, the proposed modification to Aoyanagi is improper and does not establish a *prima facie* case of obviousness.

Aoyanagi discloses an image display device for displaying an image (e.g., of a map) to a vehicle operator (Abstract). The rejection of claim 1 is based on an interpretation of Aoyanagi in which a level of vibration of the vehicle is one which (as the Office Action asserts) is at a

“predetermined level.” Specifically, the passage of Aoyanagi which is cited by the Office Action as purportedly disclosing detecting vibration of “not smaller than a predetermined level,” as claim 1 recites, is ¶[0017] of Aoyanagi. In this passage, Aoyanagi discloses distinguishing between vibration experienced by the vehicle in which the image display device travels, and vibration experienced by the display device itself (¶[0017]). In this respect, Aoyanagi discloses that subtracting the vibration experienced by the vehicle from that which is experienced by the display device enables identification of the vibration of the image displayed relative to the operator, since the operator is likely experiencing the same vibration as the vehicle (¶[0017]).

The Office Action contends that one skilled in the art would have found it obvious to make the vehicle vibration level not only predetermined, but also “static,” and “defined prior to a vibration being detected,” as claim 1 recites. However, modifying Aoyanagi in this manner would be directly contrary to Aoyanagi’s teachings and would result in a system that would be unsatisfactory for its intended purpose.

Specifically, if the Aoyanagi system were modified so that the vehicle vibration were assumed to be static, the image display device could not properly account for vehicle vibration caused by the unpredictable forces imposed on the vehicle by its environment. In reality, these forces are constantly changing, and far from static, often causing a vehicle to vibrate erratically. If the vehicle vibration level were assumed to be static, then subtracting the vehicle vibration level from the display device vibration, as Aoyanagi teaches in ¶[0017], would result in the vibration that is actually experienced by the vehicle not being properly counteracted, causing the displayed image to vibrate with respect to the operator. The result would be exactly the opposite of Aoyanagi’s expressed intent (i.e., to have the image remain visible to the operator as the vehicle vibrates unpredictably). Thus, the modification to Aoyanagi proposed by the Office Action would render the disclosed system unsatisfactory for its intended purpose.

Because the modification to Aoyanagi proposed by the Office Action would render the disclosed system unsatisfactory for its intended purpose, no *prima facie* case of obviousness has been set forth. Accordingly, the rejection of claim 1 as purportedly being obvious over Aoyanagi is improper, and should be withdrawn.

The rejection is also improper for the additional reason that it is improper to propose a modification that would change the principle of operation of a reference. MPEP 2143.01 states: "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." In *re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). As discussed above, Aoyanagi discloses that subtracting the vibration experienced by the vehicle from that which is experienced by the display device enables identification of the vibration of the image displayed relative to the operator, since the operator is likely experiencing the same vibration as the vehicle (§[0017]). The Office Action contends that one skilled in the art would have found it obvious to make the vehicle vibration level static. However, modifying Aoyanagi in this manner would change the principle of operation of Aoyanagi's device, as it would no longer measure *relative* displacement with respect to an operator vibrating unpredictably with the vehicle, but instead would change based upon only a measurement of the vibration of the display device, while ignoring changes in the vibration of the vehicle. Such a modification would change the principle of operation described by Aoyanagi in a manner directly contrary to Aoyanagi's teachings.

For this additional reason, the proposed modification to Aoyanagi is improper. Accordingly, the rejection of claim 1 as purportedly being obvious over Aoyanagi is improper, and should be withdrawn.

Claims 2-5 depend from claim 1 and are allowable for at least the same reasons.

B. Rejection Of Independent Claim 6

Claim 6 recites a method of providing information allowing image display of information which assists travel of a mobile object on an image display section of an information providing apparatus mounted on said mobile object. The method comprises: defining a static, predetermined vibration level that is greater than an absence of vibration; subsequent to the defining, detecting vibration produced on said image display section; determining whether said detected vibration is not smaller than the predetermined vibration level; sending a detection output signal when said vibration is not smaller than said predetermined vibration level; modifying a display mode of said

information presented as an image display by said image display section from a first display mode to a second display mode, when receipt of said detection output signal over a predetermined duration of positive length indicates that the vibration of not smaller than said predetermined vibration level produced on said image display section sustains over the predetermined duration; and modifying the display mode of said information presented as an image display by said image display section from the second display mode to the first display mode when an absence of output of said detection output signal is determined over a predetermined duration of positive length.

It should be appreciated from the discussion above regarding claim 1 that the proposed modification to the Aoyanagi system to employ a static, predetermined vibration level that is greater than an absence of vibration, and that is defined prior to detecting vibration produced on an image display section, would result in a system which is unsatisfactory for its intended purpose, directly contrary to Aoyanagi's teachings. Therefore, the rejection of claim 6 as purportedly being obvious over Aoyanagi is improper, and should be withdrawn.

Claims 8-11 depend from claim 6 and are allowable for at least the same reasons.

C. Rejection Of Independent Claim 7

Claim 7 recites an information providing apparatus comprising: an image display section mounted on a mobile object, presenting an image display of information which assists travel of the mobile object; a vibration detecting section that detects vibration produced on said image display section, determines whether the detected vibration is not smaller than a static, predetermined level defined prior to said vibration being detected, and sends a detection output signal when said vibration is determined to be not smaller than said predetermined level, said predetermined level being greater than an absence of vibration; and an operation control section that: modifies a display mode of said information presented in the image display by said image display section from a first display mode to a second display mode, when receipt of said detection output signal over a predetermined duration of positive length indicates that the vibration of not smaller than said predetermined level produced on said image display section sustains over the predetermined duration; and modifying the display mode of said information presented in the image display by said

image display section from the second display mode to the first display mode when an absence of output of said detection output signal is detected over a predetermined duration of positive length.

It should be appreciated that modifying the Aoyanagi system to employ a static, predetermined vibration level, defined prior to a vibration being detected would result in a system which is unsatisfactory for its intended purpose, directly contrary to Aoyanagi's teachings. Therefore, the rejection of claim 7 as purportedly being obvious over Aoyanagi is improper, and should be withdrawn.

Claims 12-15 depend from claim 7 and are allowable for at least the same reasons.

**CONCLUSION**

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. S1459.70115US00 from which the undersigned is authorized to draw.

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Respectfully submitted,

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